considered it as a mere perfunctory offer of assistance not expected to be seriously relied upon nor seriously extended. On this point, *Hanlon* v. *Ry. Co., supra,* would seem to be decisive. Defendant's conjectures on the extent to which the plaintiff intended to rely, or was relying on his assistance should have no weight in determining what reliance the plaintiff might safely place on the offer of assistance Defendant's act was the best evidence by which the plaintiff could regulate her conduct and having offered his service, he had no right to presume it unnecessary so long as the apparent need for it was as great as when offered.

CONSTITUTIONAL LAW—WOMEN AS GRAND JURORS.—The Constitution of Nevada provided that no person should be tried for a capital or other infamous crime except on presentment or indictment of a grand jury. Sec. 27, Art. 4, reads: "Laws shall be made to exclude from serving on juries, all persons not qualified electors of this state." An amendment to the Constitution extended to women the right to be qualified electors. The petitioner in a proceeding in prohibition alleged that he was indicted by a grand jury composed of men and women; and claimed that the indicment was invalid since the suffrage amendment did not operate to make women competent to serve on grand juries. *Held,* that the indictment was valid. Sec. 27, Art. 4, was intended by the framers of the Constitution, to substitute "qualified electors" for the common law qualifications that men only could serve. *Parus* v. *Dist. Court, etc.* (Nevada, 1918), 174 Pac. 706.

The prevailing opinion is hardly supportable. There is no need to resort to hairsplitting to justify the conclusion that the court violated one of the elementary rules of logic, namely, that an affirmative conclusion cannot be drawn from a negative premise. BODE, AN OUTLINE OF LOGIC, 71. The dissenting opinion very correctly declares that the article "is one of exclusion and not of inclusion," that there is "a wide difference between a statute or constitutional provision which imposes jury duty upon a class of persons and one which excludes all other persons except a designated class." The passage from Cooley cited by the dissenting judge points to the proper disposition of the principal case; it declares that the Constitution "is not the beginning of law for the state, but that it assumes the existence of a well understood system which is still to remain in force and be administered, but under such limitations and restrictions as that instrument imposes." *Cooley on Constitutional Limitations* (6th ed.), 75. Thus, an act has been held unconstitutional which made possible a grand jury of ten men in contravention to the common law requirement of at least twelve men. *State* v. *Hartley, 22* Nevada 342, 28 L. R. A. 33; similarly, *Carpenter* v. *State* 4 How. (Miss.), 163, 34 Am. Dec. 116. Since the Nevada Constitution is silent on the question of the structure of the grand jury, the common law must be the source of information on the matter.

At the common law the word 'men' was usually used in connection with the designation of qualifications of grand jurors. Chitty speaks of "men free from all, etc." See *Edwards, The Grand Jury,* 60. Blackstone, speaking of grand juries, said: "Under the word *'homo'* also, though a name common

to both sexes, the female is, however, excluded *propter defectum sexus.*" COOLEY'S BLACKSTONE (4th ed.), 1123. Adjudicated cases are rare. There is a strong dictum in *Harlandy* v. *Territory,* 3 Wash. Terr. 131. The statute under which "all qualified electors and householders "were made competent to serve as grand jurors was declared unconstitutional because of defect of title; but Turner, J., there said: "When legislators have prescribed the qualifications of jurors, the qualification that they be males has always been implied . . . . and undoubtedly that which is implied would have been expressed if it had ever occurred to the members that a subsequent legislature would confer the elective franchise on women . . . . 'every statute must be construed in the light of the common law'." The point was later decided directly in a 1917 case. The Code read that a grand jury was "a body of men"; but it also provided that "words used in the masculine gender include the feminine and neuter." The court refused to admit women to the grand jury saying that men only could serve because "such was then the common law that women were incompetent to act as jurors." *People* v. *Lensen,* (Dist. Court of App., Cal.), 34 Cal. App. 336—followed without an opinion in *People* v. *Warner, ibid.* 804. Admitting for the sake of argument that women could not serve at common law the court in the principal case argues that "woman's sphere under the common law was a circumscribed one," that by "modern law and custom she has demanded and taken a place in modern institutions as a factor equal to man." The Constitution, however must be interpreted in the light of the common law as it existed at the time of the adoption of the Constitution. *State* v. *McClear,* 11 Nev. 39. Radical changes must be left to the people, otherwise the broadening scope of the common law would put a tool in the hands of opportunists to be used in the undermining of the Constitution.

DESCENT AND DISTRIBUTION—RIGHT OF WIDOW WHO KILLED HUSBAND.—Defendant was convicted of manslaughter for killing her husband. In an action to quiet title to certain land which had belonged to the victim it was *held* that under Sec. 3856 of the General Statutes of 1915 defendant had taken no interest in such lands as heir of her husband. *Hamblin* v. *Marchant* (Kans., 1918), 175 Pac. 678.

In *McAllister* v. *Fair,* 72 Kan. 533, 4 MICH. L. REV. 653, it had been held, following the more general rule, that in the absence of statutory provision governing the situation a murderer was entitled to succeed by inheritance to property of the victim. See further 7 MICH. L. REV. 160; 13 MICH. L. REV. 336; 16 MICH. L. REV. 561. Shortly after the decision in the *McAllister* case the Kansas legislature provided that "Any person who shall hereafter be convicted of killing * * * any other person from whom such person so killing * * * would inherit the property * * * belonging to such deceased person * * * shall be denied all right, interest, and estate in or to said property," etc. (R. S. 1915, Sec. 3856). Conviction of manslaughter was held to be a conviction of killing and undoubtedly rightly so. Whether or not the statute should apply only to convictions of murder, as in California (*In re Kirby's Est.,* 106 *Cal.* 91 was a question for the legislature to decide.